HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 887 (M/B) of 2006

Naseem Ahmad S/o Sri Baseer Ahmad,
R/o village- Sultanpur Kunhari,
Tehsil-Laksar, District Haridwar. ------ Petitioners.

Vs.

1. State of Uttaranchal through Secretary,
   Excise Department, Dehradun.
2. Joint Excise Commissioner/in-charge,
   Additional Excise Commissioner, Uttaranchal,
3. District Excise Officer/District Magistrate,
   Haridwar, district Haridwar. ..... Respondents

.....

Mr. Lok Pal Singh, Adv. for the petitioner.
Sri J.P. Joshi, learned Addl. Chief Standing Counsel for the State/respondents.

Coram: Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

P.C.:-

Heard Sri Lok Pal Singh, learned counsel for the petitioner and Sri N.B. Tewari, learned Chief Standing Counsel for the State/respondents.

By the present writ petition, the petitioner has prayed for the following reliefs:-

i) Issue a writ, order or direction in the nature of mandamus commanding/directing the respondents to refund the license fee of the petitioner amounting of Rs. 3,04,175/-,

ii) Issue a writ, order or direction in the nature of mandamus commanding/directing the respondents to

take the decision on the representation made by the petitioner before the respondent nos. 2 &3.

iii) Any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of the petitioner.

iv) Cost of the petition be awarded in favour of the petitioner.

Submission of the learned counsel for the petitioner is that he has deposited a sum of Rs. 3,04,175/- as license fee for a shop for running country made liquor for the year 2005-2006 situated in village Dhanpura, Tehsil and district Haridwar. Though the shop was allotted to the petitioner, however as per the conditions laid down in the license, the petitioner could not deposited security fee, consequently the license fee was forfeited by the respondents.

Learned counsel for the petitioner has submitted that he has already filed a representation for refund of said amount before the District Magistrate, Haridwar/respondent no.3 on 05.06.2006 which is annexed as annexure no.4 to the writ petition.

During the course of arguments, learned for the petitioner has confined his prayer to the extent that the respondent no. 3 may be directed to take decision on his representation within a particular period prescribed by the Court.

In view of the statement advanced by learned counsel for the petitioner, without entering into the merits of the case we think it just and proper to direct the respondent no.3. to take

decision on the representation of the petitioner dated 05.06.2006, annexure no.4 to the writ petition, within a period of six weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of. No order as to costs.

(B.S. Verma, J.) **(M.M. Ghildiyal, J.)**

July 27, 2006:
NCM: